ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. XLVIII.

An Act for altering, amending, and rendering more effectual Two Acts, made in the Eleventh and Fifteenth Years of the Reign of His preſent Majeſty, for the Regulation and Improvement of the Fiſheries in the River *Tweed*, and the Rivers and Streams running into the ſame, and alſo within the Mouth or Entrance of the ſaid River. [3d *May* 1797.]

WHEREAS an Act was paſſed in the Eleventh Year of the Reign of His preſent Majeſty, intituled, *An Act for regulating and improving the Fiſheries in the River* Tweed, *and the Rivers and Streams running into the ſame, and alſo within the Mouth or Entrance of the ſaid River*: And whereas alſo an Act was paſſed in the Fifteenth Year of the Reign of His preſent Majeſty, for amending and rendering more effectual the ſaid Act: And whereas, notwithſtanding the Proviſions of the ſaid Acts, idle and diſorderly Perſons make a Practice of fiſhing for Salmon, Gilſes, Salmon Trouts, and Whitlings, within the Mouth or Entrance of the ſaid River *Tweed*, and by ſetting of Bob Nets and other Nets therein, intercept and obſtruct the free Progreſs of ſuch Fiſh into the ſaid River, to the manifeſt Detriment and Loſs of the Proprietors and Occupiers thereof: And whereas alſo, by Means of Sloops, Veſſels, Cobles;

Preamble. 11 *Geo.* III, Cap. 27, and 15 *Geo.* III, Cap. 46.

Cobles, or Boats, conſtructed for the Purpoſe of catching White Fiſh at Sea, or for other Purpoſes, ſuch idle and diſorderly Perſons fiſh for Salmon, Gilſes, Salmon Trouts, and Whitlings, beyond and further towards the Sea than the Mouth or Entrance of the ſaid River extends, by ſuch Means not only deſtroying but diſperſing the ſaid Fiſh, (which at certain Seaſons of the Year are known to make in Shoals to the Freſh Water), and by ſuch Means driving many of them from the Coaſt: For Remedy of which, may it pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the Firſt Day of *May* One thouſand ſeven hundred and ninety-ſeven, upon Complaint and Information in Writing, upon Oath, made to any One or more of His Majeſty's Juſtices of the Peace for that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, or to any One or more of His Majeſty's Juſtices of the Peace, or to the Sheriff Depute of any County or Stewartry for that Part of *Great Britain* called *Scotland*, that the Informant hath probable Cauſe to ſuſpect, and doth ſuſpect that any Perſon or Perſons dwelling and uſually reſiding in any Townſhip or Place, Townſhips or Places, within the Juriſdiction of the ſaid Juſtices or Sheriff Depute, before whom the Information is laid, has or have gone to Sea in any Sloop, Coble, Boat, Raft, or other Veſſel, with Intent to fiſh for Salmon, Gilſes, Salmon Trouts, or Whitlings, within the Mouth or Entrance of the ſaid River *Tweed*, as herein-after deſcribed, it ſhall and may be lawful to and for any ſuch Juſtices and Sheriff Depute, any One or more of them, and he and they is and are hereby required to authorize and direct, by Warrant under his or their Hand and Seal, or Hands and Seals, any High or Petty Conſtable, or other Peace Officer, and any Number of Perſons, not exceeding Ten, to be ſeverally named and deſcribed in the Warrant, to proceed to Sea in any Veſſel, Coble, or other Boat, and there examine and ſearch all and every ſuch Sloop, Coble, Boat, Raft, or other Veſſel, as they ſhall ſuſpect to be employed in taking and killing Salmon, Gilſes, Salmon Trouts, or Whitlings, in the Mouth or Entrance of the ſaid River, as herein-after deſcribed; and ſuch Warrant ſhall be in the Words following, or to the like Effect; (that is to ſay),

Magiſtrates empowered to iſſue ſearch Warrants on Information of improper Perſons being ſuſpected to be gone out to Sea for the Purpoſe of taking Fiſh within the Limits ſpecified by the Act.

Form of Warrant.

Name of Place or County. } ‘ *A. B.* One of the Juſtices of our Lord the King, aſſigned to keep the Peace within the ſaid County, to ‘ the Conſtable, Petty Conſtable, or Bailiff of the Townſhip of ‘ [*as the ſame may be*] within the ſaid County, [*or* Place] and ‘ to [*here inſert the Names of the other Perſons, not exceeding* Ten] and ‘ to all other the Miniſters and Officers of our ſaid Lord the King, ‘ within the ſaid and to every of them, greeting. ‘ Foraſmuch as *C. D.* of [*here inſert the Name, &c. of Informant*] hath ‘ come before me the ſaid *A. B.* and hath given me Information in ‘ Writing, on Oath, that he hath probable Cauſe to ſuſpect, and doth ‘ ſuſpect, that *E. F. &c.* of within the Juriſdiction ‘ of me the ſaid Juſtice, has gone to Sea in a certain Boat or Veſſel with ‘ Intent to fiſh for Salmon, Gilſes, Salmon Trout, or Whitling, within ‘ the Mouth or Entrance of the River *Tweed*, contrary to the Statutes ‘ in ſuch Caſe made and provided, ye or either of you are therefore

'hereby required, by this Warrant under my Hand and Seal, to proceed to Sea, and there examine and ſearch ſuch Boat or Veſſel, and 'if upon any ſuch Search any ſuch Fiſh, or any Nets, Engines, or 'other Tackle, properly adapted and uſed in the taking of ſuch Fiſh, 'or in caſe ye or either of you ſhould ſee any Perſon or Perſons on 'board any ſuch Boat or Veſſel fiſh for any Salmon, Gilſes, Salmon 'Trouts, or Whitling, within the Mouth or Entrance of the ſaid River '*Tweed*, then ye or either of you are hereby required to ſeize ſuch 'Boat or Veſſel, and all and every Perſon or Perſons who ſhall be found 'on board thereof, to apprehend and bring before me the ſaid Juſtice. 'Given under my Hand and Seal this Day of 'in the Year of our Lord

And if upon ſuch Search any ſuch Fiſh, or any Nets, Engines, or other Tackle, properly adapted and uſed in the taking of ſuch Fiſh, ſhall be found, or if the ſaid Peace Officer and Perſons with him ſhall ſee any Perſon or Perſons on board any ſuch Sloop, Coble, Boat, Raft, or other Veſſel, fiſh for any Salmon, Gilſes, Salmon Trouts, or Whitlings, within the Mouth or Entrance of the ſaid River *Tweed*, as herein-after deſcribed, then and in either of the ſaid Caſes it ſhall be lawful for the ſaid Peace Officer and Perſons ſo authorized, and he and they are hereby required to ſeize ſuch Sloop, Coble, Boat, Raft, or other Veſſel, and all ſuch Perſons as ſhall be found on board thereof to apprehend and bring before the Juſtice or Juſtices and Sheriff Depute reſpectively, who granted ſuch Warrant as aforeſaid, who ſhall proceed to examine into the Matter of the ſaid Complaint, and if upon Confeſſion of the Parties, or the Oath of One or more credible Witneſs or Witneſſes, any ſuch Perſon or Perſons ſhall be convicted of fiſhing for Salmon, Gilſes, Salmon Trouts, or Whitlings, in the Mouth or Entrance of the ſaid River *Tweed*, as herein-after deſcribed, or of having in his or their Cuſtody, in ſuch Sloop, Coble, Boat, Raft, or other Veſſel, any Fiſh or Parcel of Fiſh of the Deſcription aforeſaid, or Nets, Engines, or other Tackle, properly adapted and uſed in the taking and killing thereof, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Fifty Pounds, nor leſs than Twenty Pounds, at the Diſcretion of the ſaid Juſtice and Juſtices or Sheriff Depute, before whom the Conviction ſhall be had, and alſo the Boats, Nets, Tackle, Engines, and other Devices made uſe of in taking or killing ſuch Fiſh, and alſo the Fiſh ſo taken, and the ſaid Juſtices and Sheriff Depute reſpectively ſhall order and direct ſuch Sloop, Coble, Boat, Raft, or other Veſſel, Nets, Engines, and other Tackle, to be cut to pieces, burnt, or otherwiſe deſtroyed.

Magiſtrates empowered to iſſue Search Warrants on Information of its being ſuſpected that Fiſh hath been taken within the prohibited Limits.

II. And be it further enacted, That, from and after the ſaid Firſt Day of *May* One thouſand ſeven hundred and ninety-ſeven, upon Complaint and Information in Writing, upon Oath, made to any One or more ſuch Juſtices and Sheriff Depute as aforeſaid, that the Informant hath probable Cauſe to ſuſpect, and doth ſuſpect that Salmon, Gilſes, Salmon Trouts, or Whitlings, which have been taken or caught in the Mouth or Entrance of the ſaid River *Tweed*, as herein-after deſcribed, are concealed in, or are expected to be landed in ſome Place or Places (ſpecifying the ſame) wherein the ſaid Juſtices and Sheriff Depute have Juriſdiction reſpectively, it ſhall be lawful for the ſaid Juſtices and Sheriff Depute, any One or more of them, and he and they are hereby required

to authorize and direct, by Warrant under his or their Hand and Seal or Hands and Seals, any High or Petty Conſtable, or other Peace Officer, and any Number of Perſons, not exceeding Three, to be ſeverally named and deſcribed in the Warrant, to ſearch, in the Day Time, every ſuch Place or Places wherein they have Information that ſuch Fiſh as aforeſaid are concealed, and alſo to direct, authorize, and require, ſuch Peace Officer and Perſons aforeſaid to abide, remain, and watch upon the Shore or Coaſt whereon ſuch Fiſh are expected to be landed, during the Night as well as the Day, and there watch for the landing of the ſame, and ſuch Warrant, *mutatis mutandis*, ſhall be according to the Form aforeſaid; and if upon ſuch Search, any Salmon, Gilſes, Salmon Trouts, or Whitlings, ſhall be found, or if during ſuch Watch ſuch Fiſh ſhall be landed in any Sloop, Coble, Boat, Raft, or other Veſſel, (which the ſaid Peace Officer and other Perſons are hereby alſo authorized to ſearch and examine), then it ſhall be lawful, and the ſaid Peace Officer and Perſons authorized as aforeſaid, are hereby required to ſeize the ſame, and the Package and Packages in which they ſhall be found, and alſo the Sloops, Cobles, Boats, Rafts, and other Veſſels, in which the ſame ſhall be landed, together with the Nets, Engines, and other Tackle uſed and employed in taking ſuch Fiſh, and to put and place the ſame in ſome ſecure Place or Places for the ſafe Cuſtody thereof, under the Care and Guard of ſome of their Number, and to bring the Body or Bodies of the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be found, or who ſhall be in the Sloop, Coble, Boat, Raft, or other Veſſel, in which the ſame ſhall be landed, before the ſaid Juſtice or Juſtices and Sheriff Depute reſpectively, to anſwer and account for the ſame, and the Proof that the Fiſh (ſo found upon ſuch Search, or ſeized and taken upon being landed and brought to Shore as aforeſaid) were not taken in the Mouth or Entrance of the ſaid River, as herein-after deſcribed, ſhall lie upon the ſaid Perſon or Perſons in whoſe Cuſtody or Poſſeſſion the ſame ſhall be found, and if he or they ſhall fail to make good the ſame, to the Satisfaction of the ſaid Juſtice or Juſtices and Sheriff Depute, before whom he or they ſhall be brought reſpectively as aforeſaid, ſuch Perſon or Perſons ſhall ſtand and be convicted of having fiſhed for, taken, and killed the ſame in the Mouth or Entrance of the ſaid River *Tweed*, and ſhall ſeverally forfeit, for every ſuch Offence, a Sum not exceeding Fifty Pounds, nor leſs than Twenty Pounds, at the Diſcretion of the ſaid Juſtice, Juſtices, or Sheriff Depute, before whom the Conviction ſhall be had, and alſo the Boats, Nets, Engines, and other Tackle made uſe of in taking or killing ſuch Fiſh, and alſo the Fiſh ſo taken, and the ſaid Juſtice or Juſtices and Sheriff Depute reſpectively ſhall order and direct ſuch Sloop, Coble, Boat, Raft, or other Veſſel, Nets, Engines, and other Tackle, to be burnt, cut to pieces, or otherwiſe deſtroyed.

Limits of the Harbour aſcertained.

III. And whereas Doubts have ariſen touching the Limits of the Mouth or Entrance of the ſaid River *Tweed*, as deſcribed in the ſaid Act of the Eleventh Year of the Reign of His preſent Majeſty; be it therefore further enacted, That for the Purpoſes of this and the ſaid Two former Acts, the Limits of the Mouth or Entrance of the ſaid River *Tweed* ſhall for the future be deemed to extend, and ſhall extend from a Pier called *Queen Elizabeth's Pier*, along the Sea Coaſt on the South Side of the ſaid Pier Five Miles, and from the ſaid Pier called *Queen Elizabeth's Pier*, along the ſaid Sea Coaſt on the North Side of the ſaid Pier Five

Five Miles, and ſhall alſo extend Five Miles in Front of the Mouth of the ſaid Harbour, and of the ſeveral Lines of Boundary herein-before mentioned into the Sea, ſuch Diſtances towards the Sea to be computed by Lines drawn, the one from the Northern and the other from the Southern Extremities aforeſaid, and running directly parallel to each other.

Magiſtrates empowered to iſſue Search Warrants on Information of improper Perſons being ſuſpected to have in their Cuſtody Nets and Engines for taking the Fiſh.

IV. And whereas, many idle and diſorderly Perſons, who are not Owners or Occupiers of any Fiſhery or Fiſheries in the ſaid River *Tweed*, or within the Limits of the Mouth or Entrance thereof, or on the Shore beyond the ſame, or otherwiſe entitled to fiſh for Salmon, Gilſes, Salmon Trouts, or Whitlings, in the ſaid River, have and keep in their Poſſeſſion, Nets, Engines, and other Tackle, adapted for the taking and killing ſuch Fiſh, and by Means thereof take, kill, and deſtroy many ſuch Fiſh, to the manifeſt Loſs and Injury of the Owners and Proprietors of ſuch Fiſheries; be it further enacted, That, from and after the ſaid Firſt Day of *May* One thouſand ſeven hundred and ninety-ſeven, upon Complaint and Information in Writing, upon Oath made to any One or more ſuch Juſtice or Juſtices and Sheriff Depute as aforeſaid, that the Informant hath probable Cauſe to ſuſpect, and doth ſuſpect that any Perſon or Perſons dwelling and uſually reſiding in any Townſhip or Place, Townſhips or Places, or within any Royal Borough, Village, or Cottage, within the Juriſdiction of the ſaid Juſtices or Sheriff Depute, before whom the Information is laid (not being Owners or Occupiers of any ſuch Fiſhery as aforeſaid, or otherwiſe entitled to fiſh in the ſaid River *Tweed*, or within the Mouth or Entrance thereof, or on the Shore beyond the Mouth or Entrance of the ſame) have in his or their Poſſeſſion or Cuſtody, or have lodged, placed, or concealed, or cauſed to be lodged, placed, or concealed any Net or Nets, Engines, or other Tackle properly adapted for the taking or killing of Salmon, Gilſes, Salmon Trouts, or Whitlings, in any Dwelling Houſe, or Outhouſe, or in any Net Green, Beach, Shore, or other Place in the open Air, or in any Boat, Coble, or other Veſſel (ſpecifying the ſame) wherein the ſaid Juſtices and Sheriff Depute have Juriſdiction reſpectively, it ſhall and may be lawful to and for the ſaid Juſtices and Sheriff Depute, any One or more of them, and he and they are hereby required to authorize and direct, by Warrant under his and their Hand and Seal, or Hands and Seals, any High or Petty Conſtable, or other Peace Officer, and any Number of Perſons, not exceeding Five, to be ſeverally named and deſcribed in the Warrant, to ſearch in the Day Time every ſuch Dwelling Houſe or Outhouſe, and alſo in the Night as well as the Day, any ſuch Net Green, Beach, Shore, or other Place in the open Air, or any Boat, Coble, or other Veſſel, wherein they have Information that ſuch Nets, Engines, and other Tackle are lodged, concealed, or placed, or laid, or ſpread out to dry; and ſuch Warrant, *mutatis mutandis*, ſhall be according to the Form aforeſaid; and if upon ſuch Search any ſuch Nets, Engines, or Tackle as aforeſaid ſhall be found, then it ſhall be lawful for the ſaid Peace Officer and Perſons authorized as aforeſaid, and they are hereby required to ſeize the ſame, and to place the ſame in ſome Place or Places for the Security thereof, under the Care and Guard of ſome of their Number, and if the Owner or Owners thereof ſhall be known and found to bring him or them, or the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be found, before the ſaid Juſtice or Juſtices and Sheriff Depute reſpectively, to anſwer,

ſwer and account for the ſame, and the Proof that the ſaid Nets, Engines, or other Tackle ſo found upon ſuch Search, were and are *bona fide* the Property of ſome Perſon or Perſons having Right to fiſh for Salmon, Gilſes, Salmon Trouts, or Whitlings, as aforeſaid, ſhall lie upon ſuch Owner and Owners, or the Perſon and Perſons in whoſe Cuſtody the ſame ſhall be found as aforeſaid; and if he or they ſhall fail to make good the ſame, to the Satisfaction of the ſaid Juſtice or Juſtices and Sheriff Depute, before whom he or they ſhall be brought reſpectively as aforeſaid, ſuch Owner or Owners, Perſon and Perſons reſpectively, ſhall forfeit and pay a Sum not exceeding Twenty Pounds, nor leſs than Ten Pounds, at the Diſcretion of the ſaid Juſtice, Juſtices, or Sheriff Depute reſpectively, before whom the Conviction ſhall be had; and alſo the Nets, Engines, and other Tackle ſo found upon ſuch Search, and the ſaid Juſtice, Juſtices, and Sheriff Depute reſpectively, ſhall order and direct all ſuch Nets, Engines, and other Tackle, to be burnt, cut to pieces, or otherwiſe deſtroyed; and if the Owner or Owners of the ſaid Nets, Engines, or Tackle, or Perſon or Perſons who placed the ſame, or in whoſe Cuſtody they are, cannot be found, then the ſaid Peace Officer and Perſons aforeſaid ſhall keep the ſame in their Cuſtody for the Space of Four Days at the leaſt, and in the mean Time ſhall cauſe publick Notice to be given on the Door of the Pariſh Church or Chapel of the Townſhip or Place where the ſame ſhall have been found; and if the ſame ſhall not be owned in the Space of Time aforeſaid, he or they ſhall carry the ſame before the Juſtice or Juſtices or Sheriff Depute aforeſaid who directed the Search for the ſame; and the ſaid Juſtice or Juſtices or Sheriff Depute reſpectively ſhall proceed to condemn the ſame, on Proof that no Perſon has laid Claim to the ſame, and may and ſhall order and direct all ſuch Nets, Engines, and other Tackle to be burnt, cut to pieces, or otherwiſe deſtroyed.

Penalty on reſiſting Officers in the Execution of their Duty under this Act.

V. And be it further enacted, That if any Perſon or Perſons ſhall reſiſt or refuſe to permit the ſaid High or Petty Conſtable, or other Peace Officer and other Perſons (being duly authorized as aforeſaid) to ſearch any Dwelling Houſe, Outhouſe, Beach, Shore, or other Place in the open Air, Sloop, Coble, Boat, Raft, or other Veſſel, for ſuch Fiſh Nets, Engines, or other Tackle as aforeſaid, every Perſon and Perſons ſo refuſing ſhall, upon due Proof being made thereof to the ſaid Juſtice or Juſtices and Sheriff Depute reſpectively, be liable and ſubject to the ſame Penalties and Forfeitures, to be recovered in the ſame Manner as Perſons convicted of fiſhing for Salmon, Gilſes, Salmon Trouts, or Whitlings, in the Mouth or Entrance of the ſaid River, are hereby ſubjected and made liable unto.

Occupiers of Fiſheries in the *Tweed*, and Rivers and Streams running into the ſame, to remove and ſecure their Boats and Fiſhing Tackle, that the ſame may not be uſed

VI. And whereas ſince the paſſing of the ſaid Acts of the Eleventh and Fifteenth Years of His preſent Majeſty, idle and diſorderly Perſons have made a Practice of robbing the River, and the Rivers and Streams running into the ſame, in the Night Time, between the Tenth Day of *October* and the Tenth Day of *January*, by Means of the Boats, Oars, Nets, Engines, and other Tackle of the Occupiers, which have been left near to or upon the ſeveral Fiſheries thereof, whereby many Salmon, Gilſes, Salmon Trouts, and Whitlings (at that Time full of Spawn, out of Seaſon, and unwholeſome to be uſed as Food) are by ſuch Perſons killed, taken, and carried away, and ſent privately to Market, to the ma-

nifeſt Deſtruction of the Breed of all ſuch Fiſh, and Injury of the Health of thoſe who uſe the ſame as Food; be it therefore enacted, That all and every Occupier and Occupiers of any Fiſhery or Fiſheries in the ſaid River *Tweed*, or in the Rivers and Streams running into the ſame, and of Fiſheries being Property in the Mouth or Entrance of the ſaid River, ſhall, and they, and each, and every of them is and are hereby required from their ſeveral Fiſhings, Fiſhing Shields, Boat Stands, Net Greens, Landing Places, and the Lands and Grounds adjoining thereto, all Boats, Oars, Nets, Engines, and other Tackle uſed and employed by them in the taking and killing ſuch Fiſh as aforeſaid, to remove and carry away to ſome Place or Places where the ſame can be ſecurely lodged and kept, on or before the Twelfth Day of *October* in every Year, and there to remain until the Seventh Day of *January* in every Year; and in caſe any ſuch Occupier or Occupiers ſhall refuſe or neglect to remove all and every ſuch Boats, Oars, Nets, Engines, and other Tackle as aforeſaid, and the ſame ſo removed to keep ſecured from the ſaid Fiſheries and Premiſes at the Time aforeſaid, every ſuch Perſon or Perſons ſo refuſing or neglecting, on being convicted thereof before any One or more ſuch Juſtices or Sheriff Depute as aforeſaid, ſhall, for every ſuch Offence, forfeit and pay a Sum not exceeding Ten Pounds, nor leſs than Forty Shillings, at the Diſcretion of the Juſtice, Juſtices, or Sheriff Depute reſpectively, before whom ſuch Conviction ſhall be had.

Clandeſtinely during the prohibited Time.

VII. And be it further enacted, That it ſhall be lawful for any ſuch Juſtice or Juſtices and Sheriff Depute as aforeſaid, any One or more of them, upon Application to him or them made in Writing, under the Hands of any Three or more of the Proprietors of Fiſheries in the ſaid River *Tweed*, and he and they are hereby ordered and directed to authorize and direct, by Warrant under his and their Hand and Seal, or Hands and Seals, any High or Petty Conſtable, or other Peace Officer, and any Number of Perſons, not exceeding Five, to be ſeverally named and deſcribed in the Warrant, to ſearch between the Twelfth Day of *October* and the Seventh Day of *January* in every Year, all and every the Fiſhery and Fiſheries, Fiſhing Shields, Boat Stands, Net Greens, Landing Places, and the Lands and Grounds adjoining thereto, and all ſuch Boats, Oars, Nets, Engines, and other Tackle as they ſhall find upon ſuch Search, to remove and carry away to ſome Place or Places where the ſame can be ſecurely lodged and kept, and ſuch Warrant, *mutatis mutandis*, ſhall be according to the Form aforeſaid; and if the Owner or Owners thereof ſhall be known or found, to bring him or them, or the Perſon or Perſons in whoſe Cuſtody the ſame ſhall be found, before the ſaid Juſtice, Juſtices, or Sheriff Depute reſpectively, to anſwer and account for the ſame; and every ſuch Owner or Owners, Perſon or Perſons reſpectively, upon due Proof thereof, ſhall forfeit and pay a Sum not exceeding Twenty Pounds, nor leſs than Ten Pounds, at the Diſcretion of the ſaid Juſtice, Juſtices, or Sheriff Depute reſpectively, before whom the Conviction ſhall be had; and if the Owner or Owners thereof, or Perſon or Perſons who placed, occupied, or uſed the ſame, cannot be found, then the ſaid Peace Officer and Perſons authorized as aforeſaid, ſhall cauſe publick Notice to be given on the Church or Chapel Door of the Pariſh, Townſhip, or Place, where the ſame ſhall be found, and if the ſame ſhall not be owned within Four Days thereafter, they ſhall carry the ſame before the ſaid Juſtice, Juſtices, or Sheriff Depute, who directed the

Magiſtrates empowered to grant Warrants to ſeize Boats and Fiſhing Tackle not removed and ſecured according to the Directions of the Act.

Search for the ſame, and the ſaid Juſtice or Juſtices and Sheriff Depute reſpectively, ſhall proceed to condemn the ſame, on Proof that no Perſon or Perſons has laid Claim to the ſame, and may and ſhall order all ſuch Boats, Oars, Engines, and other Tackle, to be burnt, cut to pieces, or otherwiſe deſtroyed; and if in purſuance of ſuch Search ſuch High and Petty Conſtable, or other Peace Officer, and ſuch Perſons ſo appointed as aforeſaid, ſhall find the Door of any Fiſhery, Shield, or other Outhouſe locked up, and upon Requeſt the Occupier thereof ſhall refuſe the Key thereof, it ſhall be lawful for the ſaid Peace Officer and other Perſons aforeſaid to break open the ſaid Door, and ſearch for all ſuch Boats, Oars, Nets, Engines, and other Tackle as aforeſaid.

Act not to extend to Ferry Boats.

VIII. Provided always, and be it further enacted, That nothing in this Act ſhall extend, or be deemed, taken, or conſtrued to extend, to empower any ſuch Juſtice and Sheriff Depute to authorize any ſuch Peace Officer or other Perſons ſo appointed as aforeſaid, to ſeize or take any Boat or Boats, or the Oars thereof, being eſtabliſhed and accuſtomed Ferry Boats for the Conveyance of Paſſengers, Horſes, and Carriages acroſs the ſaid River *Tweed*, or acroſs other Rivers running into the ſame, nor to Boats uſed for the expreſs Purpoſe of repairing or building Dam Dykes, and Mill Races, or Leads upon and from the ſaid Rivers, and for no other Purpoſe, Uſe, or Intent whatſoever; any Thing in this Act contained to the contrary notwithſtanding.

Boats depoſited in the Places ſpecified, to be deemed to be removed and ſecured within the prohibited Time.

IX. Provided alſo, That all Boats depoſited in certain Repoſitories of Boats at Places called *Blackwell Green*, *Cuthbert's Well*, and *Hallow Stell Green*, in the Chapelry of *Tweedmouth* and County of *Durham*, between the Twelfth Day of *October* and the Seventh Day of *January*, ſhall be deemed and taken to be removed from the ſeveral Fiſhings, Fiſhing Shields, Boat Stands, Net Greens, Landing Places, and Lands and Grounds adjacent thereto, within the Meaning and for the Purpoſes of this Act; but nothing in this Clauſe contained ſhall extend, or be conſtrued to extend, to compel the Occupier or Occupiers of the ſaid Fiſhery or Fiſheries, to remove their Boats to the ſaid Places called *Blakewell Green*, *Cuthbert's Well*, and *Hallow Stell Green*, or any of thoſe Places, but the ſame Clauſe ſhall extend and be conſtrued to extend merely to indemnify the Perſon or Perſons removing their ſaid Boats to any of the ſaid Three laſt-mentioned Places, of and from any Penalty or Penalties under this Act, in reſpect of the Removal of the ſaid Boats during the Time or Times the ſaid Boats ſhall be kept at any One or more of the ſaid Three laſt-mentioned Places; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Penalty on placing Nets, Engines, or Devices in the River *Tweed*, or in any River, Rivulet, or Stream communicating therewith, in order to take the Spawn of Fiſh.

X. And whereas alſo, ſince the paſſing of the ſaid Acts of the Eleventh and Fifteenth Years of the Reign of His preſent Majeſty, many idle and diſorderly Perſons have made a Practice of deſtroying and intercepting the Salmon Fry in the ſaid River *Tweed*, and Rivers and Streams running into the ſame, by placing Nets, Creels, Hampers, Engines, and uſing other Devices for that Purpoſe, whereby immenſe Numbers are deſtroyed to the Diminution of the Breed thereof; notwithſtanding the Proviſions of the ſaid Acts: And whereas the Penalties inflicted by the ſaid former Acts have from Experience been found altogether inadequate to check ſuch miſchievous Practices; be it therefore further enacted,

acted, That, from and after the ſaid Firſt Day of *May* One thouſand ſeven hundred and ninety-ſeven, if any Perſon or Perſons ſhall place, lay, ſet, continue, or draw any Net, Creel, Hamper, or other Engine, or uſe any other Device whatſoever in the ſaid River *Tweed*, or in any River, Rivulet, Brook, or Stream, or in any Mill Pool, Mill Race, Sluice, or Cut, which communicates with the ſaid River *Tweed*, or within the Mouth or Entrance of the ſame, in order to take or kill any Spawn Fry or young Brood of any Salmon, Gilſes, Salmon Trout, or Whitling, or ſhall take, kill, or deſtroy, or have in his, her, or their Cuſtody or Poſſeſſion, any Spawn Fry or young Brood of any ſuch Fiſh as aforeſaid, every ſuch Perſon and Perſons, upon being convicted thereof before any One or more ſuch Juſtice or Juſtices, or Sheriff Depute, as aforeſaid, ſhall, for the Firſt Offence, forfeit and pay a Sum not exceeding Ten Pounds, nor leſs than Five Pounds; and for the Second and every ſubſequent Offence, a Sum not exceeding Twenty Pounds, nor leſs than Ten Pounds, at the Diſcretion of the Juſtice or Juſtices and Sheriff Depute reſpectively, before whom ſuch Conviction ſhall be had.

Owners of Fiſheries, and thoſe by them licenſed, may angle in the ſaid River within the Times limited by the Act.

XI. And be it further enacted, That it ſhall be lawful for the Owner or Owners of any Fiſhery in the ſaid River *Tweed*, or for the Owner or Owners of any Fiſhery in any River which runs into the ſaid River, and for all and every Perſon or Perſons having his, or her, or their Authority, Licence, or Leave, in Writing under his, her, or their Hand and Hands ſo to do, to angle or fiſh with Rods or Lines at any Time or Times between the Tenth Day of *January* and the Tenth Day of *October* in any Year, for any Kind or Sort of Fiſh in his, her, or their own Fiſhery or Fiſheries, and alſo to take, carry, and make uſe of the Fiſh ſo taken; and no ſuch Owner or Perſons having ſuch Authority, Licence, or Leave, ſhall be liable, on Account of ſuch Angling, to any Penalty inflicted by this or the ſaid former Acts; any Thing herein contained to the contrary in anywiſe notwithſtanding.

Proviſion in Act 15 *Geo.* III. enabling Magiſtrates to act in the Execution of the recited Acts, although intereſted in Fiſheries in the *Tweed*, repealed.

XII. And whereas it is enacted in and by the ſaid Act of the Fifteenth Year of His preſent Majeſty, that Juſtices of the Peace and Sheriffs Depute may act in the Execution of that Act, and alſo of the ſaid Act of the Eleventh Year of His ſaid Majeſty, notwithſtanding they are intereſted in the Fiſheries of the ſaid River *Tweed*; be it therefore enacted, That the following Words in the recited Clauſe of the ſaid Act of the Fifteenth Year of His preſent Majeſty, "notwithſtanding ſuch "Juſtices or Sheriffs Depute are intereſted in the Fiſheries of the ſaid "River *Tweed*," ſhall be, and the ſame are hereby repealed.

Magiſtrates may act in the Execution of the ſaid Acts, and this Act, if intereſted as Proprietors of Fiſheries in the River *Tweed* only.

XIII. And be it further enacted, That Juſtices of the Peace and Sheriffs Depute may act in their ſeveral and reſpective Juriſdictions in the Execution of this Act, and of the ſaid Acts of the Eleventh and Fifteenth Years of His preſent Majeſty, notwithſtanding they are intereſted in the ſaid River *Tweed*, or in other Rivers and Streams running into the ſame, as Proprietors of Fiſheries only.

Magiſtrates not to act in the Execution of the ſaid Acts, or this

XIV. Provided always, and be it further enacted, That no Juſtice of the Peace or Sheriff Depute ſhall act in the Execution of this or of either of the ſaid former Acts, who at the Time of his acting ſhall be the Occupier

Act, while Occupiers of Fiſheries their own Property, or Tenants of others.

cupier or Occupiers, either of his own Property, or as Leſſee or Leſſees, Tenant or Tenants, of any Fiſhery or Fiſheries, or of any Part or Parts of any Fiſhery or Fiſheries in the ſaid River *Tweed*, or in the Mouth or Entrance, or on the Shore beyond the Limits of the Mouth or Entrance thereof, or who is in any Manner intereſted in the ſaid Fiſheries, or in any Part or Parts thereof, otherwiſe than as actual Owners or Proprietors, upon Pain of forfeiting a Sum not exceeding Two hundred Pounds, or leſs than Fifty Pounds, to him who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of the County Palatine of *Durham*; any Thing herein or in either of the ſaid former Acts contained to the contrary thereof in anywiſe notwithſtanding.

Form of Conviction.

XV. And be it further enacted, That all Convictions ſhall be under the Hand and Seal or Hands and Seals of One or more Juſtice or Juſtices of the Peace, and ſhall be in the Form following; (that is to ſay),

County of (to wit.) } ‘BE it remembered, That on the of in the Year of the Reign of ‘ by the Grace of God of *Great Britain*, *France*, and ‘ *Ireland*, King, Defender of the Faith, and ſo forth, at ‘ in the of aforeſaid, of ‘ cometh before me Eſquire, One of the Juſtices of Our ‘ ſaid Lord the King, in the ſaid and alſo to hear and deter- ‘ mine divers Felonies, Treſpaſſes, and other Miſdemeanors, in the ſaid ‘ committed, and giveth me the ſaid Juſtice to underſtand ‘ and be informed upon Oath in Writing, that one of ‘ in the ſaid on the Day of ‘ now laſt paſt, at in the ſaid did, [*here inſert* ‘ *the Offence in the Words of the Statute*] againſt the Form of the Statute ‘ in ſuch Caſe made and provided, and afterwards upon the aforeſaid ‘ Day of in the Year aforeſaid, at ‘ aforeſaid, in the aforeſaid, he the ſaid ‘ being brought before me in order to make his Defence againſt the ſaid ‘ Charge, and having heard the ſame, he the ſaid is aſked ‘ by me the ſaid Juſtice if he can ſay any Thing why he ſhould not be ‘ convicted of the Premiſes above charged upon him in Form aforeſaid, ‘ pleadeth that he is not guilty of the ſaid Offence; nevertheleſs on the ‘ Day of in the Year aforeſaid, at ‘ aforeſaid, in the aforeſaid, One credible Witneſs, to wit, ‘ of cometh before me the Juſtice aforeſaid, ‘ and upon his Oath on the Holy Goſpel to him then and there by me ‘ the Juſtice aforeſaid adminiſtered, depoſeth that the aforeſaid ‘ on the Day of aforeſaid in the Year ‘ aforeſaid, at aforeſaid, did [*here ſtate only ſo much of the* ‘ *Fact as is ſufficient to convict the Offender, or the ſaid doth* ‘ *freely and voluntarily confeſs the ſame to be true, as the Caſe may be*] and ‘ then upon the aforeſaid the Day of ‘ aforeſaid, in the Year aforeſaid, before me the ſaid Juſtice is convicted, ‘ purſuant to an Act, paſſed in the Thirty-ſeventh Year of the Reign of ‘ His Majeſty King *George* the Third, intituled, [*inſert the Title of the* ‘ *Act*] and he is hereby adjudged to have forfeited for the ſaid Offence ‘ [*here inſert the Penalty of or, as the Caſe may be, the Thing* ‘ *forfeited.*]’

And which ſaid Conviction ſhall be certified in the ſame Manner as by the ſaid Acts of the Eleventh and Fifteenth Years of His preſent Majeſty, one or other of them, is directed and appointed.

Saving of Rights to Manors, Seigniories, and Royalties within the Mouth or Entrance of the River *Tweed*.

XVI. Provided always, and be it further enacted, That nothing herein contained ſhall in anywiſe prejudice or affect the Right of the Owners or Proprietors of Fiſheries, or the Right of any other Perſon or Perſons who now are, or at any Time or Times hereafter ſhall or may be ſeiſed, poſſeſſed of, or entitled to any Manors, Seigniories, or Royalties, within the Mouth or Entrance of the ſaid River *Tweed*, or upon the Shores beyond the Limits of the Mouth or Entrance of the ſame, but that all and every ſuch Owners and Proprietors, and other Perſon or Perſons as laſt are mentioned, ſhall have and enjoy all ſuch Right of Fiſhing within the ſaid Mouth or Entrance of the ſaid River *Tweed*, or upon the Shores beyond the Limits of the ſame, as they have hitherto lawfully exerciſed and enjoyed, or could or might have lawfully enjoyed, in caſe this Act had not been made, ſo as ſuch Right be uſed and exerciſed at ſuch Times and Seaſons only, under ſuch Regulations, and ſubject to ſuch Penalties and Forfeitures as are herein-before directed concerning the Fiſheries in the ſaid River *Tweed*, and within the Mouth or Entrance thereof, and the Shores beyond the ſame; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Recovery and Application of Penalties and Forfeitures.

XVII. And be it further enacted, That the Penalties or Forfeitures for Offences againſt this Act, the Mode of Recovery whereof is not by this Act otherwiſe particularly provided, may be levied and recovered by Diſtreſs and Sale of the Offenders Goods and Chattels, before any One or more Juſtice or Juſtices of the Peace within that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, or before any One or more Juſtice or Juſtices of the Peace or Sheriff Depute within that Part of *Great Britain* called *Scotland*, for the County, Shire, Liberty, or Place where the Offender or Offenders ſhall be or reſide, either by the Confeſſion of the Party or Parties, or upon the Oath or Oaths of One or more Witneſs or Witneſſes, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of ſuch Juſtice or Juſtices in that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Limits thereof, or by Warrant or Warrants in due Form of Law of ſuch Juſtices and Sheriff Depute, in that Part of *Great Britain* called *Scotland*, (all which Warrants ſuch Juſtices and Sheriff Depute are hereby authorized and required to grant, and to adminiſter ſuch Oath or Oaths); and the Penalties and Forfeitures which ſhall be ſo levied and paid, ſhall from Time to Time be applied One Moiety to the Informer or Informers, and the other Moiety to the Overſeers of the Poor of the Pariſh, Townſhip, or Place where the Offender or Offenders ſhall be or reſide, for the Uſe of the Poor of the ſaid Pariſh, Townſhip, or Place, and the Overplus remaining (if any) after ſuch Penalties and Forfeitures, and the Coſts and Charges attending the levying and recovering thereof are deducted, ſhall, on Demand, be returned to the Owner or Owners of the Goods and Chattels ſo diſtrained; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid in Four Days after ſuch Diſtreſs, that then it ſhall be lawful for ſuch Juſtice, Juſtices, and Sheriff Depute, and he and they are hereby reſpectively authorized and

empowered to commit every ſuch Offender or Offenders to the Common Gaol or Houſe of Correction, for any Time not exceeding Six Calendar Months, or leſs than Three Calendar Months, as the ſaid Juſtice or Juſtices and Sheriff Depute, upon Conſideration of the Circumſtances, ſhall think fit.

Powers of former Acts extended to this Act.

XVIII. And be it further enacted, That all the Clauſes, Powers, and Authorities contained in the ſaid Two former Acts, and not altered by this Act, ſhall be deemed and taken to extend, and ſhall extend to this Act, as fully and effectually as if the ſame were herein again repeated and re-enacted, and that nothing in this Act contained ſhall extend, or be taken, deemed, or conſtrued to extend, to ſet aſide or repeal any Penalties impoſed by the ſaid former Acts, for Offences committed againſt the ſaid former Acts or either of them.

Limitation of Actions.

XIX. And be it further enacted, That no Action at Law ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done or to be done by virtue of this Act, within that Part of *Great Britain* called *England*, the Town of *Berwick upon Tweed*, or the Bounds and Liberties thereof, until after Fourteen Days Notice thereof, in Writing, ſhall be given to the Perſon or Perſons againſt whom ſuch Action ſhall be intended to be ſo brought, or left at his or their laſt or uſual Place or Places of Abode, ſetting forth the Cauſe of ſuch Action; and that every Action brought for any Thing done or to be done as aforeſaid, ſhall be brought within the Space of Six Calendar Months next after the Cauſe of Complaint ſhall ariſe, and be laid and tried in the County or Place where the Fact was committed and not elſewhere, and the Defendant or Defendants therein may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done by virtue hereof; and if on the Trial of ſuch Action, it ſhall appear that the ſame was brought before the Expiration of Fourteen Days next after ſuch Notice ſhall have been ſo given or left as aforeſaid, or after the End of Six Calendar Months next after the Cauſe thereof ſhall have ariſen, or if ſuch Action ſhall be brought or laid in any other County or Place than as aforeſaid, or after ſufficient Tender of Amends ſhall have been made to the Party or Parties aggrieved, that then and in any of the Caſes aforeſaid, the Jury ſhall find for the Defendant or Defendants therein; and in all Caſes where a Verdict ſhall be found for the Defendant or Defendants in ſuch Action, or if the Plaintiff or Plaintiffs ſhall diſcontinue the ſame, after the Defendant or Defendants ſhall have appeared, or ſhall be nonſuited, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants in ſuch Action ſhall have Treble Coſts, and have the like Remedies for recovering the ſame as Defendants have for recovering their Coſts in other Caſes by Law.

Directing the Mode of Proceeding in Actions brought in *Scotland*.

XX. And be it further enacted, That every Action or Proſecution for any Offence or Offences againſt this Act, in that Part of *Great Britain* called *Scotland*, ſhall be by way of ſummary Petition or Complaint to One or more Juſtice or Juſtices of the Peace, or to the Sheriff Depute for the County where ſuch Offence or Offences are committed, who are hereby authorized to hear and determine the ſame, and whoſe Judgement ſhall be final to all Intents and Purpoſes.

XXI. And be it further enacted, That no Action ſhall be brought againſt any Perſon or Perſons for any Thing done or to be done by virtue of this Act, or by virtue of the ſaid former Acts, made in the Eleventh and Fifteenth Years of His preſent Majeſty, within that Part of *Great Britain* called *Scotland*, unleſs ſuch Action ſhall be commenced within the Space of Six Calendar Months next after the Cauſe of Complaint ſhall ariſe; and in all ſuch Actions the Defendant or Defendants, if abſolved or aſſoilſed from the Action, ſhall have and be entitled to their full Coſts of Suit. Limitation of Actions to be brought under former Acts.

XXII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whomſoever, without ſpecially pleading the ſame. Publick Act.

FINIS.